

Commissioner For Patents

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**AMENDMENT**

Sir:

In response to the Final Office Action of August 22, 2005, (please see copy attached) the applicant respectfully requests the consideration of the following arguments and amended claims related to the above identified application.

**ARGUMENTS:**

In the Final Office Action Notice dated August 22, 2005, the examiner considered that the arguments submitted in response to the Office Action Notice dated May 17, 2004 were moot due to the new ground of rejection of the claims. Nevertheless, the applicant respectfully requests said arguments to be taken into account, and trusts in the examiner's skills in technical fields related to the object of the present application to distinguish the significant difference between "candy holders", which are rather complex devices that electrically and/or mechanically hold and impart motion and/or other features to lollipops, and the toy lollipop object of this application, which is very simple and wherein is the user, moving the lollipop, who imparts the movement to the candy component of the lollipop in relation to the holding stick, thanks to the innovative articulated union between both main elements integrating the dancing toy lollipop. Therefore, contrary to the lollipop holders, with which the user plays a passive role, with the dancing toy lollipop, he/she plays an active role.

Once clarified such essential difference, it will be evident that even though some parts in the current application appear to be similar to components in prior art patents due to be identified with similar names, actually they are very different in position, function and configuration.

**AMENDED CLAIMS**

In the Final Office Action Notice dated August 22, 2005, the examiner rejected all the claims because they were plagued with unclear definitions and other informalities, not complying with 35 U. S. C. 112 first and second paragraphs.

The applicant consulted to a qualified professional for advise and, particularly, contacted the examiner by telephone about the defects of the claims. Please, find attached copy of the Interview Summary Notice dated 05 October 2005. The examiner was very helpful and following her advise, so as studying other patents, including a previous patent of his own, the applicant has proceeded to revise and substantially modify all the claims previously submitted as part of his response to the Office Action Notice of May 17, 2004.